

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60029  
Summary Calendar

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JAISHIAMAH SHARIF JACOBS and  
MRS. FRANK L. JACOBS,

Plaintiffs-Appellants,

versus

STATE OF MISSISSIPPI, ET AL.,

Defendants,

LAUDERDALE COUNTY BOARD OF SUPERVISORS,  
LAUDERDATE BOUNTY, U.S. DEPARTMENT FHA,  
U.S. Department of Agriculture - Farmers  
Home Administration, and UNITED STATES  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,

Defendants-Appellees.

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Appeal from the United States District Court for  
the Southern District of Mississippi  
(CA 4:92 104 (L) (N))

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(August 22, 1994)

Before REAVLEY, HIGGINBOTHAM and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

The *pro se* appellants allege that land was fraudulently  
taken away from their ancestral family sixty-five years ago in

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\*Local Rule 47.5 provides: "The publication of opinions  
that have no precedential value and merely decide particular  
cases on the basis of well-settled principles of law imposes  
needless expense on the public and burdens on the legal  
profession." Pursuant to that Rule, the Court has determined  
that this opinion should not be published.

Mississippi. Because the appellants are unable to determine who perpetrated the fraud, they allege that the Department of Housing and Urban Development ("HUD"), Farmers Home Administration, and Lauderdale County improperly financed and allowed the building of low income housing projects on the land in violation of the appellants rights. Although the appellants provided a notation on the cover sheet which accompanied their complaint indicating jurisdiction was based on 28 U.S.C. § 1331, the appellants did not cite a constitutional provision or other federal grounds in their complaint to invoke jurisdiction. The district court allowed the appellants to amend their complaint once, but denied a second request to amend because the appellants did not submit a proposed amendment or otherwise indicate grounds that could invoke subject matter jurisdiction. The district court subsequently dismissed the appellants' complaint for lack of subject matter jurisdiction and because HUD did not waive its sovereign immunity. We affirm.

#### **DISCUSSION**

We review the district court's denial of the motion to amend for abuse of discretion. Daly v. Sprague, 675 F.2d 716, 723 (5th Cir. 1982). The court did not abuse its discretion in refusing to allow a second amendment to the appellants' complaint because the appellants proffered no grounds to cure the complaint's jurisdictional deficiency. The plaintiffs could have made the nature of the amendment clear to the court by attaching a supporting memorandum to their motion or by explaining a

proposed jurisdictional basis, but they failed to do so. See Zaidi v. Ehrlich, 732 F.2d 1218, 1220 (5th Cir. 1984).

The appellants further argue that subject matter jurisdiction exists regardless of the deficiencies in the complaint, but federal questions must be substantial and form an integral part of the complaint. Screven County v. Brier Creek Hunting & Fishing Club, 202 F.2d 369, 370 (5th Cir. 1953). See also Sarmiento v. Texas Bd. of Veterinary Medical Examiners, 939 F.2d 1242, 1245 (5th Cir. 1991). A mere collateral federal question may appear, or "lurk in the background of the record," but that is not a sufficient basis for federal jurisdiction. Screven County, 202 F.2d at 370. The appellants cited no federal constitutional provisions or statutory authority in their complaint, nor did they plead any specific facts from which we can glean jurisdiction. They only allege that the defendants should have known that property was fraudulently taken from the appellants by unknown parties at some point in time. Although we recognize that *pro se* pleadings are to be liberally construed, we are without authority on appeal to extract a jurisdictional basis when none exists on the face of the complaint.

AFFIRMED.